IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 14771 of 2004

Between:

1. Smt. Meharunnisa Begum W/o late Mohammed Ali Jinnah
   R/o 41/572-A, Kothapeta, Kurnool Town, Kurnool District
2. Jamrud Sultana D/o late Bande Gulam Nabi
   R/o 41/572-A, Kothapeta, Kurnool Town, Kurnool District

.... PETITIONERS

AND

1 The District Collector, Kurnool
2 The Joint Collector, Kurnool District, at Kurnool
3 the Revenue Divisional Officer, Kurnool Division, Kurnool District
4 The Mandal Revenue Officer, Kurnool Mandal, Kurnool District

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ or direction preferably writ of Mandamus declaring the action of the respondents 2 to 4 and their staff in taking steps for laying road by taking possession of the petitioners land admeasuring Ac.3-30 cents in Sy. No.79 situated at Stantanpuram Grampanchayat, Mamidalapadu Village, Kurnool Mandal of Kurnool District, without issuing any notice and without initiating any proceedings as illegal, arbitrary and violative principles of natural justice and consequently direct the respondents and their Sub-ordinates not to dispossess the petitioners from the above land.

Counsel for the Petitioners: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent: GP FOR REVENUE

The Court made the following:

ORAL ORDER:

The petitioner claims to be the owner of land admeasuring Ac.3-00 cents in S.No.79 situate at Stantanpuram Gram Panchayat, Mamidalapadu village, Kurnool District filed the present writ petition complaining that respondents 2 to 4 are taking steps for laying road through the land belonging to the petitioner without following due procedure, which is arbitrary and illegal.

Learned Government Pleader for Revenue, on instructions, submits that the respondents have not taken any steps for laying the road through the petitioner's land. He further submits that there are civil disputes pending between the Grampanchayat and private persons.

The statement of the respondents that they are not interfering with the land of the petitioner is recorded. No mandamus can be issued on mere apprehension anticipating that the respondents are likely to lay the road through the land of the petitioner. It is needless to observe, the respondents cannot dispossess the petitioner without following due procedure.

The writ petition is accordingly dismissed. No order as to costs.

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A.GOPAL REDDY,J

Dt.31-8-2004

Lsk/kmr

To

1 The District Collector, Kurnool
2 The Joint Collector, Kurnool District, at Kurnool
3 The Revenue Divisional Officer, Kurnool Division, Kurnool District
4 The Mandal Revenue Officer, Kurnool Mandal, Kurnool District.

5. Two CCs to the Govt., Pleader for Revenue,

High Court Buildings, Hyderabad(OUT).

6. Two CD copies.